

REMARKS

Entry of this Preliminary Amendment before continued examination of the instant application is respectfully requested. Upon entry of this Amendment, claims 21-24 and 29-33 remain in the application. Reconsideration of the claims is respectfully requested.

Claims 21-24 and 29-33 have been revised to correct minor typographical errors and/or informalities.

The drawings stood objected to (in the final Office Action dated January 31, 2007) under 37 CFR 1.84(p)(5). The Examiner states that the drawings include reference character 101, but the reference character is not mentioned in the description. In response thereto, Applicants have revised Fig. 2 by removing reference character 101, and submit herewith a replacement sheet of drawings.

Claims 21-24 and 29-33 stood rejected under 35 U.S.C. 112, second paragraph. The Examiner states that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner further states that claim 21 recites in lines 4-5: "fold or bend on the double baffle having peripheral walls that form a central chamber" which appears incomplete to the Examiner.

In response, Applicants have inserted the phrase "after brazing the heat exchanger" after the phrase "form a central chamber" to complete the sentence. Support for brazing in the specification as filed appears, e.g., at page 10, lines 17-34 and page 15, lines 9-10. Applicants further refer the Examiner to, for example, page 16, lines 3-5 where "an area of insertion, fold, or bend" is recited, and page 5, lines 6-8 which recite a chamber formed in a bend. Fig.1 is an example that shows Tab 2 at a fold or bend on the double baffle. Figs. 2 and 3 show Tab 2 at hole 9, which one skilled in the art would recognize as an example of an area of insertion.

The Examiner states that claim 21 recites "the contact area chamber" in line 11 without proper antecedent basis. Applicants have revised claim 21 to delete the word "chamber" from line 11. "The contact area" now has proper antecedent basis.

Further, the Examiner states that claim 21 recites "the contact of the end tank" in lines 12-13, but it appears that the phrase should read "the contact area of the end tank." Applicants have revised claim 21 to insert the word "area" as suggested by the examiner.

Yet further, the Examiner states that claim 21 recites "chamber" in line 17, and that it is unclear whether the word "chamber" refers to the "central chamber" or "the contact area chamber". Applicants have revised claim 21 to replace the word "overall" with the word "central" to clarify that reference was made to the central chamber. Applicants also point out that the word "chamber" was deleted from the phrase "the contact area chamber" in line 11, so the reference should now be clear.

The Examiner states that claim 21 recites "between the wall" in lines 17-18, but it appears that word "wall" should be plural. Applicants have revised claim 21 to recite "between the walls" as suggested by the Examiner.

Further, the Examiner states claim 21 recites "the interior" in the last line without proper antecedent basis. In response, Applicants have revised claim 21 at line 8 to recite the phrase "and an interior side distal the contact area." Support for this revision may be gleaned from the specification as filed, at least at page 11, lines 15-19, and in Fig. 2.

Yet further, the Examiner states that the claim 21 recitation "so that when assembled the overall chamber width between the wall of the double baffle is larger at area of the end tank than at the interior" appears to be incomplete. Applicants have revised claim 21 to recite "so that when assembled the ~~overall~~ central chamber width between the walls of the double baffle is larger at near the contact area of the end tank than at the interior side." Support for this revision may be gleaned from the specification as filed, at least at page 11, lines 15-19, and in Fig. 2.

The Examiner states that claim 24 recites “the baffle portions” in line 4 without proper antecedent basis. Applicants have revised claim 24 to replace the word “portions” with the word “profiles”. The phrase “the baffle profiles” has proper antecedent basis.

Further, the Examiner states that where claim 29 recites in lines 4-6 “fold or bend on the double baffle and with having peripheral walls of the double baffle formed so that they form a central chamber,” the claim appears incomplete. Applicants have revised claim 29 where cited in lines 4-6 such that it now recites “fold or bend on the double baffle having peripheral walls that form a central chamber.” It is submitted that the statement is now clear.

Yet further, the Examiner states that where claim 29 recites “a relief mean” in line 10, it appears that the claim should read “a relief means.” The Examiner further states that it is unclear what a “relief means” encompasses as far as structural configuration in the claims. Applicants submit that the examiner has correctly substituted the word “means” for “mean.” As such, Applicants have revised claim 29 to replace the phrase “relief mean” with “relief means.” To clarify what a “relief means” encompasses as far as structural configuration in the claims, Applicants refer the Examiner to the application as filed. A few of the many examples of relief means may be found at page 6, lines 1-4 where the specification recites that “the at least one tab may be perforated in order to allow passage of fluid from the interior of the baffle or the baffle ‘chamber,’ to the outside of the end tank in a sort of ‘relief function;” hole 13 in Fig. 2; and hole 24 in Fig. 10.

The Examiner states that where claim 29 recites “after assembly the relief means at a point contiguous with or throughout the thickness of the tab,” the phrase appears to be incomplete, and that it is unclear what this limitation encompasses.

Applicants have revised the portion of claim 29 quoted by the Examiner to now read “after assembly the relief means is located contiguous with or through the thickness of the tab.” Hole 13 in Fig. 2 is an example of a relief means through the

thickness of the tab, and hole 24 in Fig. 10 is an example of a relief means located contiguous with the tab. It is submitted that the statement is now clear.

Further, the Examiner states that claim 29 recites "the contact area chamber" in line 14 without proper antecedent basis. Applicants have deleted the word "chamber" from this phrase. "The contact area" now has proper antecedent basis.

The Examiner states that claim 29 recites "the contact" in lines 15-16, but it is unclear to the examiner whether reference is made to "the contact area chamber" of line 14, or "the contact area" of lines 7-8. Applicants reiterate that the word "chamber" has been deleted from line 14, thereby eliminating any ambiguity.

Claims 21-24 and 29-33 stand rejected under 35 U.S.C. 102(b) as being anticipated by Tokutake et al. The Examiner states that Tokutake et al. teach a method for making a one piece double baffle comprising a tab at an area of insertion, fold, or bend on the double baffle having peripheral walls that form a central chamber providing a heat exchanger end tank which comprises a contact area comprising a deformation, perforation, slot or other shaped mating hole for insertion of the tab of the double baffle, aligning the tab of the baffle and the end tank contact area so that the tab may be inserted into the contact area contact area chamber at the contact of the end tank, and applying a sealing technique such that the double baffle remains in place after the assembly process and the completed heat exchanger assembly may be used in automotive applications, so that when assembled the overall chamber width between the walls of the double baffle is larger at an area of the end tank than at the interior. The Examiner further states the tab is extended through the wall of the end tank that is essentially leak tight. The Examiner notes that the baffle portions are basically perpendicular to the tank wall surface, and that the relief means **312c or 313c or 314** is formed throughout the thickness of the tab.

The Applicants respectfully take issue with the Examiner's characterization of Tokutake. Tokutake does not teach or suggest applying a sealing technique such that the double baffle remains in place after the assembly process and the completed heat exchanger assembly may be used in automotive applications, so that when

assembled the central chamber width between the walls of the double baffle is larger near the contact area of the end tank than at the interior side. Applicants refers the examiner to Tokutake at page 6, lines 47-54 where it recites that the gap between the partition plates 112, 113 “is **well clogged with the brazing agent** during the brazing process.” (emphasis added) Therefore, when assembled, **Tokutake has no central chamber.**

In sharp contrast, Applicants teach, for example, at page 2, lines 5-10 that a space between the double baffles (a central chamber) functions to “ensure that one fluid in the separate fluid systems remains separated from the other.” The central chamber gives one fluid a place to go other than into the other fluid. Furthermore, the central chamber, when combined with a relief means near the contact area of the tank, serves to provide “a potential leak detection function.” See application as filed, at least at page 2, line 11. It is submitted that one skilled in the art would recognize that the two plates used by Tokutake are too close to establish a central chamber when assembled (because they fill with brazing agent), even if there is a small gap created between the baffles prior to completion of the assembly. Since Tokutake has no central chamber when assembled, there can be no central chamber width as recited in Applicants’ independent claims 21 and 29.

Further, it is respectfully submitted that the Examiner has mistakenly interpreted Tokutake’s 312c, 313c, or 314 as relief means. 312c and 313c are both flanges, and 314 is a locking tab. In contrast, a relief means allows fluid to flow between the central chamber and the outside of the heat exchanger. (See page 6, lines 1-4 previously cited above.) It is submitted that one skilled in the art would readily determine that Tokutake’s 312c, 313c, and 314 are **not** relief means as recited in Applicants’ independent claim 29.

As such, for at least the above reasons, it is submitted that Applicants’ invention as defined in claims 21 and 29, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by Tokutake, either alone or in combination, and patentably defines over the art of record.

In summary, claims 21-24 and 29-33 remain in the application. It is submitted that, through this Amendment, Applicants' invention as set forth in these claims is now in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

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